

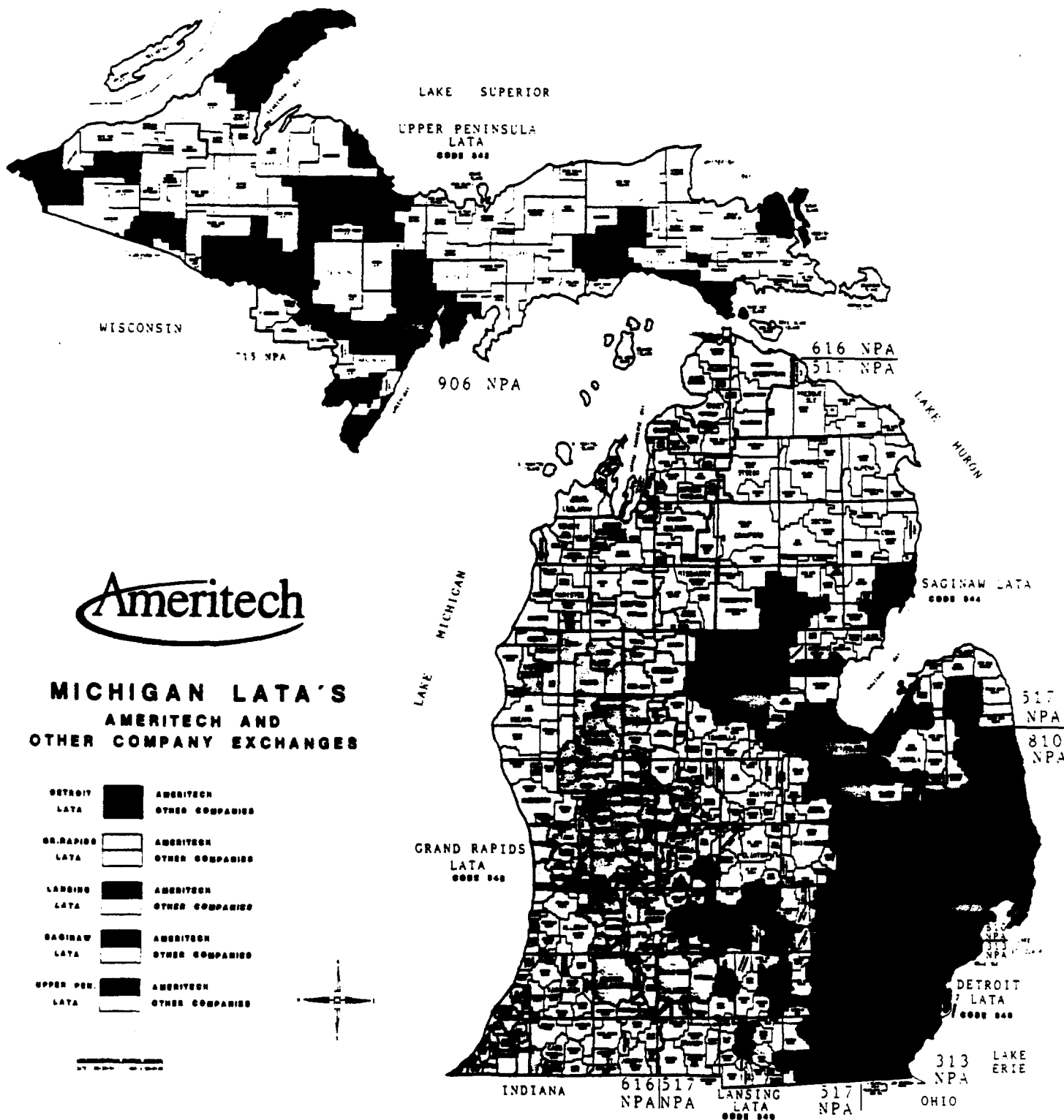
WAYNMIMNRS	WAYNE RSA	RSC	NTI	DIGITAL
WAYNMINWDSO	WAYNE NW	EWSD	SIEMANS	DIGITAL
WBFDMIMNDSO	WEST BLOOMFIELD	EWSD	SIEMANS	DIGITAL
WBRNMMNRS	WEST BRANCH	5RSM	ATT	DIGITAL
WDLKMIMNDSO	WALLED LAKE	D100	NTI	DIGITAL
WHCLMIADRS	WHITE CLOUD	5RSM	ATT	DIGITAL
WLSMIWLR	WILLIS	5RSM	ATT	DIGITAL
WKFDMMNRS	WAKEFIELD	RCU	SIEMANS	DIGITAL
WLBGMWBR	WILLIAMSBURG	RSC	NTI	DIGITAL
WLVRMMNRS	WOLVERINE	5RSM	ATT	DIGITAL
WNLKMIWLR1	WALLOON LAKE	RCU	SIEMANS	DIGITAL
WRLKMIMNDSO	WHITMORE LAKE	D10	NTI	DIGITAL
WRRNMMNDSO	WARREN	D100	NTI	DIGITAL
WRRNMITLDSO	WARREN TECHLINE DSO	D100	NTI	DIGITAL
WRRNMITLRS	WARREN TECHLINE RSA	RSC	NTI	DIGITAL
WTRMMNRS	WATERSMEET	RCU	SIEMANS	DIGITAL
WTRVMWVR	WATERVLIT	5RSM	ATT	DIGITAL
WXOMMIACRS	WXOM RSA FORD	RSC	NTI	DIGITAL
WXOMMIACRSC	WXOM RSC FORD	RSC	NTI	DIGITAL
WYLDMMNRS	WAYLAND	5RSM	ATT	DIGITAL
WYNDMMNCGO	WYANDOTTE	1AESS	ATT	ANALOG
WYNGMILXDSO	WYOMING LENOX	D100	NTI	DIGITAL
YPSLMIABRS	RAWSONVILLE FORD	RSC	NTI	DIGITAL
YPSLMMNDSO	YPSILANTI	D100	NTI	DIGITAL
ZELDMIZLDSO	ZEELAND DSO	D100	NTI	DIGITAL
ZELDMIZLRS	ZEELAND RS	RSC	NTI	DIGITAL

34656 MICHIGAN AV	WAYNE	M	48184	340	DETROIT
411 SHELDON RD	WAYNE	M	48188	340	DETROIT
7020 MIDDLEBELT	WEST BLOOMFIELD	M	48033	340	DETROIT
141 S FIFTH ST	WEST BRANCH	M	48661	344	SAGINAW
1287 COMMERCE	WALLED LAKE	M	48088	340	DETROIT
177 BENSON ST	WHITE CLOUD	M	49349	348	GRAND RAPIDS
JUDD & RWVL	WILLIS	M	48191	340	DETROIT
502 BROTHERTON	WAKEFIELD	M	49968	342	UPPER PENINSULA
SW CRN OLD M27 COOK	WILLIAMSBURG	M	48000	348	GRAND RAPIDS
BIRCH ST	WOLVERINE	M	48000	348	GRAND RAPIDS
68 STATE ST	WALLOON LAKE	M	49796	348	GRAND RAPIDS
9180 WHITMORE LAKE	WHITMORE LAKE	M	48189	340	DETROIT
34480 VAN DYKE	WARREN	M	48093	340	DETROIT
28680 MOUND RD	WARREN	M	48092	340	DETROIT
28680 MOUND RD	WARREN	M	48090	340	DETROIT
AVENUE D	WATERSMEET	M	49969	342	UPPER PENINSULA
CNR RED ARROW&HINSSY	WATERVLIT	M	48000	348	GRAND RAPIDS
50000 GRAND RIVER	WIXOM	M	48096	340	DETROIT
50000 GRAND RIVER	WIXOM	M	48096	340	DETROIT
129 S MAIN (REAR)	WAYLAND	M	48000	348	GRAND RAPIDS
2397 VINEWOOD	WYANDOTTE	M	48192	340	DETROIT
4366 BYRON CENTER RD	WYOMING	M	48000	348	GRAND RAPIDS
10300 TEXTILE	YPSILANTI	M	48198	340	DETROIT
1 S PROSPECT	YPSILANTI	M	48197	340	DETROIT
23 E MAIN ST	ZEELAND	M	48000	348	GRAND RAPIDS
23 E MAIN ST	ZELAND	M	49464	348	GRAND RAPIDS

MPSC CASE NO. U-11104 ATTACHMENT A

QUESTION 7

EXHIBIT 7c



**MICHIGAN LATA'S
AMERITECH AND
OTHER COMPANY EXCHANGES**

DETROIT LATA		AMERITECH
		OTHER COMPANIES
GRAND RAPIDS LATA		AMERITECH
		OTHER COMPANIES
LANSING LATA		AMERITECH
		OTHER COMPANIES
SAGINAW LATA		AMERITECH
		OTHER COMPANIES
UPPER PEN. LATA		AMERITECH
		OTHER COMPANIES



0 10 20 30 MILES

MPSC CASE NO. U-11104 ATTACHMENT A

QUESTION 7

EXHIBIT 7d

FCC REPORT 43-03
ARMIS JOINT COST REPORT

Approved by OMB
3060-0513
Expires 05/31/96

COMPANY: MICHIGAN BELL
STUDY AREA: MICHIGAN
PERIOD: FROM JAN 1995 TO DEC 1995
COSA: MBMI

UNRESTRICTED VERSION
SUBMISSION 1
TABLE I
PAGE 1.1 OF 10.4

TABLE I - REGULATED/NONREGULATED DATA
(DOLLARS IN THOUSANDS)

Row/ Acct. Number	Account Title	Total	Direct	
			Regulated	Nonreg.
	(a)	(b)	(c)	(d)
	Revenues			

	Local network svcs			
5001	Basic area revenue	805053	805053	N/A
5002	Optional ext area	0	0	N/A
5003	Cellular mobile	17870	17870	N/A
5004	Other mobile service	143	143	N/A
510	Ba loc svc(A 5000)	823066	823066	N/A
5010	Public telephone	81929	81929	N/A
5040	Local private line	36401	36401	N/A
5050	Customer premises	7702	7702	N/A
5060	Other local exchange	312103	312103	N/A
5069	Other local settles	0	0	N/A
520	Ba loc svc	1261201	1261201	N/A
	Network access svcs			
5081	End user	228389	228389	N/A
5082	Switched access	249624	249624	N/A
5083	Special access	76245	76245	N/A
5084	State access	189584	189584	N/A
5080	Network access	743842	743842	N/A
	Toll network svcs			
5100	LD msg rev(Class A)	633100	633100	N/A
5111	LD inward-only	13070	13070	N/A
5112	LD outward-only	11404	11404	N/A
5110	Unidirectional LD	24474	24474	N/A

FCC REPORT 43-03
ARMIS JOINT COST REPORT

Approved by OMB
3060-0513
Expires 05/31/96

COMPANY: MICHIGAN BELL
STUDY AREA: MICHIGAN
PERIOD: FROM JAN 1995 TO DEC 1995
COSA: MBMI
TABLE I - REGULATED/NONREGULATED DATA
(DOLLARS IN THOUSANDS)

UNRESTRICTED VERSION
SUBMISSION 1
TABLE I
PAGE 2.1 OF 10.4

Row/ Acct. Number	Account Title	Total	Direct	
			Regulated	Nonreg.
	(a)	(b)	(c)	(d)
5121	Subvce LD pvt ntwk	654	654	N/A
5122	Vce LD pvt network	44942	44942	N/A
5123	Audio LD pvt ntwk	1	1	N/A
5124	Video LD pvt ntwk	0	0	N/A
5125	Digital LD pvt ntwk	20796	20796	N/A
5126	LD pvt ntwk switch	0	0	N/A
5128	Other LD pvt ntwk	132	132	N/A
5129	Other LD pvt settle	0	0	N/A
5120	LD private network	66525	66525	N/A
5160	Other LD	0	0	N/A
5169	Other LD settlement	0	0	N/A
525	LD ntwk svcs rev	724099	724099	N/A
	Miscellaneous			
5230	Directory	96770	96770	0
5240	Rent	3377	3377	N/A
5250	Corporate operation	0	0	N/A
5261	Special billing arr	933	933	N/A
5262	Customer operations	51	51	N/A
5263	Plant operations	31	31	N/A
5264	Other incident reg	4546	4546	N/A
5269	Other settlements	0	0	N/A
5260	Misc. (Class A)	5561	5561	N/A
5270	Carrier bill & coll	31726	31726	N/A
5280	Nonregulated	96859	N/A	96859
5200	Miscellaneous	234293	137434	96859
	Uncollectible revs			
5301	Uncollect-telecomm	38219	0	0
5302	Uncollect-other	0	0	0
5300	Uncollectible rev	38219	0	0
530	Net revenues	2925216	2866576	96859

QUESTION

8. The description and status of all complaints made to Ameritech Michigan or its affiliates, the Michigan Public Service Commission, the Federal Communications Commission, State of Michigan courts, federal courts, or other governmental authority by other carriers, competitors, or entities that have requested interconnection, access, or the ability to resell Ameritech Michigan's or its affiliates' services.

RESPONSE

On October 30, 1996, AT&T Communications of Michigan, Inc. (AT&T) filed a complaint with this Commission (Case No. U-11240) alleging certain deficiencies in the provision of exchange access services used by AT&T in providing interexchange service. That complaint does not relate to the provision of interconnection, access to unbundled network elements, or the ability to resell Ameritech Michigan's services for purposes of AT&T's provision of local exchange service, and therefore, Ameritech Michigan believes it is outside of the scope of this inquiry.

To the best of Ameritech Michigan's knowledge, there are no complaints filed by other telecommunications carriers, competitors, or other entities that have requested interconnection, access, or the ability to resell Ameritech Michigan's or its affiliates' services pending before this Commission, federal or state courts, or other governmental authorities.

There is an informal complaint pending before the Federal Communications Commission (FCC) concerning an allegation by Direct Dial Audio Corporation (DDA), or David Walker, d/b/a "Dial-A-Santa," FCC Docket IC-96-07892. DDA is (or wishes to be) a provider of pay-per-call services who, although located in a service territory of GTE, wishes Ameritech Michigan to provide pay-per-call services which are not currently offered by Ameritech Michigan. As detailed in Ameritech's response to the FCC, DDA has filed numerous previous complaints with this Commission (and subsequently appealed to the Ingham County Circuit Court, Court of Appeals, and Michigan Supreme Court), state and federal courts in Michigan, and the Department of Justice, all of which have been dismissed or rejected. DDA's most recent complaint is based upon the same set of facts as all previous complaints. Although the complaint is very confusing, and in many instances unintelligible, it could be characterized as alleging violations of the federal Telecommunications Act of 1996. DDA's informal complaint to the FCC was apparently filed on May 29, 1996. The FCC forwarded the informal complaint to Ameritech on August 19, 1996. On September 4, 1996, Ameritech filed a response, requesting dismissal of DDA's complaint, which Ameritech believes to be without merit.

A copy of the complaint filed by DDA and Ameritech's response (without attachments, which will be provided on request) is attached.

Other than the foregoing, there are no other such complaints filed with the FCC.

2000 West Ameritech Center Drive
4th Floor
Hoffman Estates, IL 60196-1025
Office 847/248-6082
Fax 847/248-6013

Ameritech

Michael J. Karson
Counsel

September 4, 1996

Senetta Pitts
Consumer Protection Branch
Enforcement Division; Common Carrier Bureau
Federal Communications Commission
Washington, D.C. 20554

Subject: Direct Dial Audio Corporation, Complainant
IC-96-07892 (Incmtteam)
Date of Notice - August 19, 1996

RESPONSE OF AMERITECH MICHIGAN

Dear Ms. Pitts,

Ameritech Michigan submits the following response to the informal complaint filed by Direct Dial Audio Corporation (DDAC).

As it relates to Ameritech Michigan, DDAC's complaint is not clear. DDAC does not operate in Ameritech Michigan's service territory and is not a customer of Ameritech Michigan. Instead, DDAC apparently operates in the Michigan service area of General Telephone Company (GTE) and is a customer of GTE. The information the Commission sent to Ameritech Michigan, and to which the Company has been asked to respond, shines little light on the exact nature of DDAC's complaint against Ameritech Michigan.

That information is contained in four documents. The first document purports to be DDAC's¹ February 19, 1996 Motion to Strike Nonconforming Brief & Motion for Peremptory Reversal, Direct Dial Audio Operations Corporation, v. Michigan Public Service Commission, Docket No. 190725, Court of Appeals, State of Michigan. The second document, also dated February 19, 1996, purports to be a DDAC Brief in support of those Motions.

¹ The plaintiff listed in the caption of this document is "Direct Dial Audio Operations Corporation." (emphasis added).

The third document purports to be an "Amendment to Complaint"¹ filed March 6, 1996 in the matter of "Direct Dial Audio Corporation v. Michigan Bell Telephone and General Telephone Company, FCC Common Carrier Bureau [no docket number provided]." This document invokes the Telecommunications Act of 1996, but no particular section of that Act. The fourth document purports to be a May 29, 1996 "Supplementary Brief" presumably in support of DDAC's March 6, 1996 "Amendment to Complaint," which invokes Sections 251 and 252 of the Telecommunications Act.

Although it is not entirely clear, a review of these documents suggests that DDAC's claim against Ameritech Michigan is that Ameritech Michigan failed to provide DDAC -- an information service provider operating in the Michigan service territory of GTE -- with some unspecified utility service, even though DDAC is not located within Ameritech Michigan's service area and is not a customer of Ameritech Michigan.

Whatever DDAC's claim is, it does not involve any allegations of the violation of the Communications Act. Since DDAC represents itself as an information service provider, DDAC has no standing under Section 251 or 252 of the Telecommunications Act of 1996 because those sections relate to telecommunications carriers, not information service providers like DDAC.

Nor can DDAC ask this Commission to preempt the Michigan Public Services Commission under Section 252(e)(5). Again, that subsection, like the rest of Sections 251 and 252, generally relates to telecommunications carriers, not to information service providers. In addition, Section 252(e)(5) specifically relates to the failure of a state commission to act in accordance with Section 252. Here, even if Section 252 did apply (and it does not), the Michigan Public Service Commission considered DDAC's complaint and denied it.

If fact, DDAC's claim has been dismissed several times. In October, 1990, DDAC filed a complaint against Ameritech Michigan in the Circuit Court for the County of Washtenaw, Civil Action No. 90-26898-CX. The case was dismissed for lack of jurisdiction in May 1991, with the Court instructing DDAC that if it wanted to pursue its claim, it should bring the matter to the Michigan Public Service Commission. However, instead of bringing the matter to the Michigan Public Service Commission, DDAC filed a complaint against Ameritech Michigan and GTE in United States District Court for the Western District of Michigan, File No. 1:91-CV:864. That case was dismissed

¹ Ameritech Michigan has no record of an original DDAC complaint filed at this Commission.

by summary judgment on August 10, 1992. Then, in October 1992, DDAC brought its complaint to the Michigan Public Service Commission. The Michigan Commission initially rejected the complaint for, among other reasons, DDAC's failure to follow the Michigan Commission's rules that require a complaint to "set forth a concise statement of the facts on which the complainant relies in requesting relief, with specific allegations necessary to reasonably inform the respondent of the nature of the claims the respondent is called upon to defend." Thereafter, DDAC filed an amended complaint and after due consideration, the Michigan Public Service Commission dismissed DDAC's complaint with prejudice in May 1993.

Under all of these circumstances, Ameritech Michigan cannot reasonably be expected to satisfy DDAC's claim filed with this Commission.

Sincerely,



cc Carl S. Krueger
Attorney for Direct Dial Audio
2533 Peck Street
Muskegon Heights, Michigan 49444

MPSC Case No. U-11104 Attachment A
Question 8
Exhibit 8.4

UNITED STATES GOVERNMENT
FEDERAL COMMUNICATIONS COMMISSION
COMMON CARRIER BUREAU
ENFORCEMENT DIVISION
CONSUMER PROTECTION BRANCH
MAIL CODE 1600A2
WASHINGTON, D.C. 20554

OFFICIAL

NOTICE OF INFORMAL COMPLAINT

DATE: AUG 19 1996

YOUR COMPANY IS REQUIRED TO RESPOND TO THIS NOTICE OF INFORMAL COMPLAINT (NOTICE) WITHIN THE TIME PERIOD SPECIFIED BELOW. Failure of any person to answer any lawful Commission inquiry is considered a misdemeanor punishable by a fine under Section 409(m) of the Communications Act (Act), 47 U.S.C. § 409(m). Further, failure to comply with any order of the Commission can result in prosecution under Section 401(b) of the Act, 47 U.S.C. § 401(b). Section 501 of the Act, 47 U.S.C. § 501, and Section 503(b)(1)(B) of the Act, 47 U.S.C. § 503(b)(1)(B), provide for forfeiture penalties against any person who willfully fails to follow the directives of the Act or of a Commission order. The Commission can impose forfeiture penalties of up to \$1 million for certain types of violations.

TO:

GTE Service Corporation
1850 M Street, N.W., Suite 1200
Washington, DC 20036

Attn: Whitney Hatch
Assistant Vice President-Regulatory Affairs

✓ Bell Communications Research, Inc.
2101 L Street, N.W.
Suite 600
Washington, DC 20037

Attn: Mary S. Davis
Assistant Manager

The enclosed informal complaint(s) has been filed with the Commission pursuant to Section 208 of the Act, 47 U.S.C. § 208, and Section 1.711 of the Commission's Rules, 47 C.F.R. § 1.711. A letter acknowledging your company's receipt of this Notice and of the enclosed complaint(s) should be sent to each complainant listed below as soon as your company receives this Notice.

Pursuant to Sections 208 and 4(i) of the Act, we are forwarding a copy of the complaint(s) so that your company may satisfy or answer the complaint based on a thorough review of all relevant records and other information. Your company should respond specifically to all material

NOTICE OF INFORMAL COMPLAINT

TO:

2.

**GTE Service Corporation
Bell Communications Research, Inc.**

allegations raised in each complaint and summarize the actions taken by your company to satisfy the complaint. Each response should also include a subject line specifying: (1) the complainant's name; (2) the Branch's IC file number for the complaint; (3) the Branch's team name (Incensing, Congressional, or Closeout) in parenthesis after the IC number; and (4) the date of this Notice.

Your company's response to each complaint must be filed with the Commission in writing within **FIFTEEN DAYS** of the date of this Notice. The response should be sent to the above address. A separate response should be filed for each complaint. Your company is directed to send a copy of its response to each appropriate complainant at the same time the response is forwarded to the Commission.

Your company is directed to retain all records which may be relevant to the complaint(s) until final Commission disposition of the complaint.

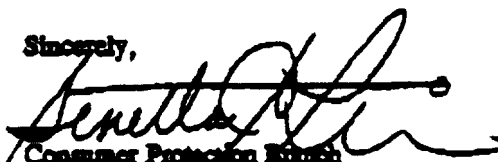
IC Number(s)

IC-96-07892 ()

Complainant(s)

**Direct Dial Audio Corporation
Amaritech Michigan**

Sincerely,


**Consumer Protection Branch
Enforcement Division
Common Carrier Bureau**

Enclosure(s)

FCC COMMON CARRIER BUREAU
ENFORCEMENT AGENCY DIVISION
CONSUMER PROTECTION
1919 M Street
Suite 500
Washington DC 20554

Direct Dial Audio Corporation
a Michigan corporation: INC District
of Michigan
Plaintiffs

Amendment to Complaint
Filed March 6, 1996

-vs-

Michigan Bell Telephone
Company, a corporation authorized
to do business in Michigan; and
Defendant

General Telephone Company,
a corporation authorized to do business
in Michigan,
Defendant

I. AMENDMENT TO COMPLAINT

Plaintiff Direct Dial Audio Cooperation by it President
David Walker, by way of complaint against defendants, adds
to its complaint the following:

1. Direct Dial Audio's attorney filed with the State Court
of Appeals by first class mail March 4, 1996:
 - (a) "APPELLANT'S SUPPORTING BRIEF ON MOTION TO AMEND, AND
ADD TO IT'S DELAYED APPLICATION AND MOTION FOR
PREEMPTORY REVERSAL UNDER THE NEWLY ESTABLISHED
TELECOMMUNICATION ACT OF 1996 AND THE MICHIGAN
TELECOMMUNICATION ACT."
2. Direct Dials motion in brief states:
 - (a) THE PRESIDENT OF THE UNITED STATES SIGNED THE
TELECOMMUNICATION ACT OF FEBRUARY 1996 WHICH MANDATES

THE MICHIGAN PUBLIC SERVICE COMMISSION TO REGULATE BELL AND GTE AND INFORMATION PROVIDERS LIKE THE APPELLANT SERVICES. THE TELECOMMUNICATION ACT OF 1996 DIRECTS THE MICHIGAN PUBLIC SERVICE COMMISSION TO REGULATE BELL AND GTE TO PROVIDE THE APPELLANT WITH SERVICE. (Motion and Brief included.)

3. Direct Dial Audio has continuously requested the court to require Bell and GTE to provide it with service. Michigan Bell continues to refuse to provide Direct Dial with service.
4. Michigan Bell has blocked Direct Dial Audio from obtaining access to the essential Grand Rapids end office. Bell and GTE have a duty to negotiate to obtain the interconnection directly or indirectly with the facilities and equipment of other telecommunications carriers.
5. Direct Dial's motion to the State Court of Appeal states the numerous violations of Bell and GTE prohibiting, and imposing unreasonable or discriminatory conditions or limitations on Direct Dial Audio ability to provide its service.
6. Bell installed network features, function or capabilities that block Direct Dial out of providing service as a competitor of Bell. Bell information providers have

complete access to all latas in the State of Michigan.

7. Bell allowed AT&T to provide it's preferred information providers long distance access to all Bell and GTE customers in the State of Michigan. AT&T profited by each and every call throughout the State of Michigan by providing long distance customers access to Bell preferred information providers in the Detroit LATA. Bell profited by each long distance call coming into the Detroit area charging its preferred information providers approximately 30 percent of what the information provider charges the customer to obtain the information that they were interested in.
8. Bell had no incentive to provide Direct Dial access to its own 616 LATA because it would not have made any revenues such as such as the 30 percent that it gets from charging its preferred information providers for each and every call. (plus lines and equipment charges.)
9. Bell had no incentive to establish another facility other than the Detroit facility because it was forcing each customer to pay more money by forcing customers to call to a long distance facility.
10. Direct Dial had the equipment and facility set up with GTE as stated by its contract. THERE WAS NO ADDITIONAL FACILITY NEED. DIRECT DIAL ONLY NEEDED ACCESS

TO ITS CUSTOMERS WHICH BELL REFUSED.

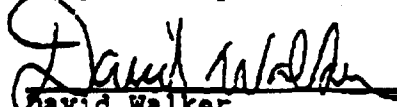
11. GTE failed to negotiate the access need as stated by its contract and letter of intent. GTE sat back and did nothing to protect Direct Dial Audio its customers from Bell's unlawful actions.
12. Bell and GTE have always had the duty to provide Direct Dial with service. Direct Dial has notified the State Court of Appeal and phone companies of their obligations in accordance to the Telecommunication Act of 1996.
13. Bell and GTE continue to monopolize refusing to negotiate to provide Direct Dial with the necessary transmission and routing of telephone exchange service or exchange access that is equal in quality and type provide to its own information providers and AT&T.
14. The State of Michigan Public Service Commission has been informed of its duty to negotiate and mediate the differences arising out of Bell's failure to provide service and GTE failure to negotitate the service.
15. Direct Dial Audio has presented it application to the State commission through the courts to the court of appeal. The State Commission has an obligation to resolve each issue set forth to the commission and court in accordance to the Federal Telecommunication Act of 1996.

16. No State or local statute or regulation, or other state or local legal requirement, may prohibit or have the effect of prohibiting the ability of any information provider like Direct Dial from obtaining service.
17. Direct Dial has set forth the facts and record of Bell and GTE's failure to provide or obtain information access service as requested.
18. No small information provider can beat Bell with its money and power. It has to flaunt the laws established that require Bell to provide information providers like Direct Dial with service.
19. The State of Michigan Public Service Commission admitted in testimony to the United States during the establishment of the consent decrees its obligation to abide by the consent decree. After the establishment of the consent decree, the State attorney for the Michigan Public Service Commission has stated to the court that they were under no obligation to abide by the consent decrees.
20. Direct Dial Audio Corporation is requesting the FCC immediately help and obtain and requiring the phone companies to provide Direct Dial Audio with service. Direct Dial Audio is also interested in obtaining the fines and penalties for the phone companies failure to

provide it with service.

21. GTE and Bell have continued to profit throughout the years while refusing to obtain or provide Direct Dial with service. GTE as stated by the local news paper the Muskegon Chronicle are planning to offer long distance service in accordance to the newly established Telecommunication Act of 1996 at the same time Direct Dial equipment is siting unable to operate by the established laws.
22. The Federal Telecommunication Act state's Bell and GTE have an obligation to negotiate the necessary information access even if the State Commission fails to do so.

Respectfully Submitted.



David Walker
President
Direct Dial Audio
5754 Duck Lake
Whitehall, Michigan
(616) 766-3478 Home
(616) 780-4711 Work Ext 352

March 6, 1996

FCC COMMON CARRIER BUREAU
ENFORCEMENT AGENCY DIVISION
CONSUMER PROTECTION
1919 M Street
Suite 500
Washington DC 20554

DIRECT DIAL AUDIO FILES THIS SUPPLEMENTARY BRIEF
TO ADD TO IS COMPLAINT WITH FCC

- I. THE MICHIGAN PUBLIC SERVICE COMMISSION HAS FAILED TO REQUIRE BELL AND GTE TO PROVIDE DIRECT DIAL AUDIO WITH SERVICE AS REQUIRED BY THE TELECOMMUNICATION ACT OF 1996 THE DUTY OF BELL AND GTE TO PROVIDE SERVICE IS NOT AFFECTED BY THE COMMISSIONS FAILURE TO REQUIRE PHONE COMPANIES TO PROVIDE SERVICE.
- II. THE MICHIGAN PUBLIC SERVICE COMMISSION HAS FAILED TO CARRY OUT ITS RESPONSIBILITY TO REQUIRE BELL AND GTE TO PROVIDE DIRECT DIAL AUDIO CORPORATION WITH SERVICE IN ACCORDANCE WITH THE FEDERAL TELECOMMUNICATION ACT OF 1996.
- III. DIRECT DIAL AUDIO REQUEST THE FCC IN ACCORDANCE WITH SECTION 252 E (5) TO PREEMPT THE STATE COMMISSION JURISDICTION OF DIRECT DIAL PROCEEDING AS CITED BY THE FEDERAL TELECOMMUNICATION ACT WITHIN 90 DAYS AFTER BEING NOTIFIED (OR TAKING NOTICE) OF SUCH FAILURE. AND THE FCC SHALL ASSUME THE RESPONSIBILITY OF THE STATE COMMISSION UNDER THIS SECTION WITH RESPECT TO THE PROCEEDING OR MATTER AND ACT FOR THE STATE COMMISSION AS CITED BY FEDERAL TELECOMMUNICATION ACT OF 1996 SECTION 252 E (5).

FCC COMMON CARRIER BUREAU
ENFORCEMENT AGENCY DIVISION
CONSUMER PROTECTION
1919 M Street
Suite 500
Washington DC 20554

SUPPLEMENTARY BRIEF TO DIRECT DIAL AUDIO COMPLAINT TO FCC

- I. DIRECT DIAL AUDIO CORPORATIONS'S DELAYED APPLICATION FOR LEAVE TO APPEAL WAS DENIED FOR LACK OF MERIT IN THE GROUNDS PRESENTED. THE MICHIGAN PUBLIC SERVICE COMMISSION HAS FAILED TO REQUIRE BELL AND GTE TO PROVIDE DIRECT DIAL AUDIO WITH SERVICE AS REQUIRED BY THE TELECOMMUNICATION ACT OF 1996 THE DUTY OF BELL AND GTE TO PROVIDE SERVICE IS NOT AFFECTED BY THE COMMISSIONS FAILURE TO REQUIRE THE PHONE COMPANIES TO PROVIDE IT WITH SERVICE:**

The submission or approval of a statement under this subsection shall not relieve a Bell operating company of its duty to negotiate the terms and conditions of an agreement under section 251." (Page 18 #5 Telecommunication Act 1996)

- (a) The Michigan Public Service Commission stated that Direct Dial may have other remedy in other forums, such as with a federal district court on an anti-trust theory, in a contract action in either state or federal court, or relative to other remedies as cited in Michigan Public Service Commission's response to the motion for judgment for the plaintiff based upon pleadings, brief and legal argument page 9:

"Additionally, as suggested earlier, the fact that the MPSC does not have jurisdiction over "enhanced services" under Section 401 of Act 179, or the fact that Plaintiff has been unable to articulate an adequate claim for relief before the MPSC, does not alter any remedy Plaintiff may have in other forums, such as with a federal district court on an anti-trust theory, in a contract action in

either state or federal court, or relative to other remedies."

- (b) Direct Dial Audio Corporation filed with the State Court of Appeals in its motion to amend and add to its Delayed Application and Motion For Peremptory Reversal Under the Newly Established Telecommunication Act of 1996 and The Michigan Telecommunication Act. The State Court of Appeals accepted Direct Dial Audios motion as a supplementary brief. (Exhibit A)
- (c) The Michigan Public Service Commission has failed to come forward to address to the court of Appeals their obligation to require Bell and GTE to provide the appellant with service as stated in accordance to the Federal Telecommunication Act of 1996.
- (d) Direct Dial Audio has presented its petition to the Michigan Public Service State Commission through the courts to the court of Appeals to obtain the Michigan Public Service Commission assistance in procedures for negotiation, arbitration, and approval of agreements of Bell and GTE to provide the necessary interconnection to provide Direct Dial with service as required by the Federal Telecommunication Act of 1996 Section 252.
- (e) The Michigan Public Service Commission has ignored the Telecommunication Act of 1996 as it has ignored its obligation under the consent decrees. The Michigan Public

Service Commission has stated to the Courts the:

"Direct Dial motion should be denied inasmuch as this court has repeatedly refused to consider issues to consider not presented for determination by the trial court.

THE COURT HAS ACCEPTED DIRECT DIAL MOTION TO ADD THE TELECOMMUNICATION ACT OF 1996 TO ITS COMPLAINT

- (1) THE MICHIGAN PUBLIC SERVICE COMMISSION HAS THE OBLIGATION TO NEGOTIATE AND TO MEDIATE ANY DIFFERENCES ARISING IN THE NEGOTIATION FOR THE PHONE COMPANIES FAILURE TO PROVIDE THE APPELLANT WITH SERVICE.

The Federal Telecommunication Act of 1996 Section 252 Procedures for negotiation, arbitration, and approval of agreements states the Michigan Public Service Commission has the obligation to negotiate and mediate and provide the appellant with service as cited:

- "(1) Voluntary negotiations: Upon receiving a request for interconnection, services, or network elements pursuant to section 251, an incumbent local exchange carrier may negotiate and enter into a binding agreement with the requesting telecommunications carrier or carriers without regard to the standards set forth in subsection (b) and (c) of section 251. The agreement shall include a detailed schedule of itemized charges for interconnection and each service or network element included in the agreement. The agreement, including any interconnection agreement negotiated before the date of enactment of the Telecommunications Act of 1996, shall be submitted to the state commission under subsection (e) of this section.
- (2) Mediation: Any party negotiating an agreement under this section may, at any point in the

negotiation, ask a State commission to participate in the negotiation and to mediate any differences arising in the course of the negotiation. (emphasis added)

- (b) Agreements Arrived at through compulsory arbitration:
- (1) arbitration: During the period from the 135th to the 160th day (inclusive) after the date on which an incumbent local exchange carrier receives a request for negotiation under this section, the carrier or any other party to the negotiation may petition a State commission to arbitrate any open issues." (Federal Telecommunication Act page 13)

- (g) **THE DIRECT DIAL AUDIO HAS TAKEN THIS ACTION BECAUSE OF THE FAILURE OF THE MICHIGAN PUBLIC SERVICE COMMISSION TO REQUIRE THE PHONE COMPANIES TO PROVIDE IT WITH SERVICE. THE TELECOMMUNICATION ACT OF 1996 STATES:**

"Review of state commission actions: In a case in which a State fails to act as described in paragraph (5), the proceeding by the Commission under such paragraph and any judicial review of the Commission's actions shall be the exclusive remedies for a State commission's failure to act. In any case in which a State commission makes a determination under this section, any party aggrieved by such determination may bring an action in an appropriate Federal district court to determine whether the agreement or statement meets the requirements for section 251 and this section. (Page 17 Federal Telecommunication Act 1996)

Duty to negotiate not affected: The submission or approval of a statement under this subsection shall not relieve a Bell operating company of its duty to negotiate the terms and conditions of an agreement under section 251." (Page 18 #5 Telecommunication Act 1996)